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TO: CERTIFIED FARMERS' MARKET MANAGERS
CERTIFIED PRODUCERS
SAN DIEGO COUNTY FARM BUREAU

RE: DIRECT MARKETING GUIDELINES FOR ADMINISTRATIVE CIVIL PENALTIES

Enclosed are the Direct Marketing Program guidelines for administrative civil penalties. The guidelines are intended to gain compliance while providing enforcement action uniformly. The direct marketing program promotes fair competition among participants and ensures consumer confidence in the quality and integrity of the markets.

These guidelines were recommended and accepted by the Certified Farmers' Market Advisory Committee and the County Agricultural Commissioner's on May 13, 2002. They were distributed to all Certified Farmers' Markets, the Southland Farmers' Market Association and the California Federation of Certified Farmers' Markets on or about June 6, 2002. We are distributing the guidelines again to ensure that Certified Farmers' Market participants are aware of them.

Please be advised that violations of Chapter 10.5 of the California Food and Agricultural Code and/or Title 3, Article 6.5 of the California Code of Regulations may result in civil administrative penalties pursuant to section 47025 and the attached guidelines.

We appreciate your continued cooperation in maintaining compliance as a certified producer, or as a market manager at your certified farmers' market. Market managers are encouraged to post or distribute copies of the guidelines for your participants.

If you have any questions, please call (858) 694-2778.

LISA M. LEONDIS

Agricultural Commissioner Sealer of Weights and Measures

ADMINISTRATIVE CIVIL PENALTIES FOR DIRECT MARKETING

Authority Cited Food and Agricultural Code Section 47025 (a)

Rev. 5/23/02

	CODE	VIOLATIONS/	MINOR	MODERATE	SERIOUS
c	SECTION	PENALTY	\$50-\$150	\$151-\$400	\$401-\$1,000
			320-3120	\$131-\$400	3401-31,000
1.	Section I.	Certified Producer Violations			1 st Violation.
1.		Certified Producer selling Product(s)			1 Violation.
	1392.4 (a) FAC 47002	not of their own production.			
	FAC 47002				
2.	CCR	Refusing to submit to inspection.			1 st Violation.
	1392.5(c)				
	1392.7(a)2				
	FAC 47020				
3.	CCR	Producer not having a certified			1 st Violation.
	1392.4 (d)	producer's certificate.			
4.	CCR	Certified producer selling with an		2 nd NC in 12	Repeat NC within 12
	1392.4(d)	expired certificate and not in the		months.	months of Moderate
		renewal process with CAC.			penalty.
5.	CCR	Valid certified producer's certificate	*2 NC's in 12	Repeat NC within	Repeat NC within 12
	1392.4(d)	not in possession, and/or not posted.	months.	12 months of	months of Moderate
		(not embossed)		Minor penalty.	penalty.
6.	CCR	Certified producer selling product(s)	*2 NC's in 12	Repeat NC within	Repeat NC within 12
	1392.4(a)	which they produced but do not have	months.	12 months of	months of Moderate
	1392.5(b), (c)	listed on their certified producer's		Minor penalty.	penalty.
	1392.7(a)1	certificate.			
7.	CCR	Certified producer selling at a certified	*2 NC's in 12	Repeat NC within	Repeat NC within 12
	1392.4(f)2	farmer's market for other certified	months.	12 months of	months of Moderate
		producer(s). i.e. "Second Cert."		Minor penalty.	penalty.
		Authorized certified			
		producer's certificate(s) not in			
		possession and/or posted for			
	000	other certified producer(s).	*2.1107 : 4.2	B 1 NO 1111	D 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
8.	CCR	"Second Cert."	*2 NC's in 12	Repeat NC within	Repeat NC within 12
	1392.4(f)2	Product not separated and	months.	12 months of	months of Moderate
		identified "Second Cert."		Minor penalty. 1 st Violation.	penalty.
9.	CCR			1 Violation.	Repeat NC within 12
	1392.4(f)4	→Name of certified producer(s) not			months of Moderate
		listed on certificate of other certified producer who is authorized to sell the			penalty.
		certificate holder's products.			
		(Agreement was made but paperwork			
		not done, <u>not</u> a resell situation).			
		And/or			
	CCR	"Second Cert."			
	1392.4(f)3	→Name of certified producer not listed			
		on other producer's certificate that the			
		certificate holder may sell for			
		(Agreement was made but paperwork			
		not done <u>not</u> a resell situation).			
10.	. CCR	A certified producer representing more		1 st Violation.	2 nd or more
	1392.4(f)1	than 2 other certified producer(s) in a			violations.
	- ,	12 month period and/or a certified			
		producer being represented by more			
		than 2 certified producer(s) in a 12			
		month period.			

NC = Documented notice of noncompliance, or notice of violation.

Decisions to suspend or revoke a certified producer's certificate, or privileges to participate in certified farmers' markets will be made at the discretion of the agricultural commissioner on a case by case basis.

^{*=} Penalties will be assessed after two documented notices of noncompliance/violation are issued.

11. CCR 1392.4(f)5	Certified producer selling or offering for sale a greater amount of other certified producer's products than their own.	*2NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
12. CCR 1392.4(f)9 1392.4(f)10	Certified producer not keeping records of products sold for or by other certified producer. Failure to supply records on demand.	1 st Violation	2 nd Violation	Repeat NC within 12 months of Moderate penalty.
13. FAC 47005	Refusing to allow inspection or entrance.			1 st Violation Plus Suspension and/or Revocation
14. FAC 47005.1	Refusing to allow inspection of products and/or subject products to inspection.			1 st Violation Plus Suspension and/or Revocation
15. FAC 47005.2	Refusing to allow seizure of evidence.			1 st Violation Plus Suspension and/or Revocation
16. FAC 47022	Nonconforming products, i.e. Minimum Grade Stds. Minimum Maturity Stds. Closed Consumer Cont. (IRQ) Egg labeling Requirements	3 NC's in 12 months	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
17. FAC 47022.1	Deceptive pack i.e. nice cherries on top of basket, tiny ones on the bottom.	1 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
18. FAC 47022.2	Mislabel/Misleading statement.	2 NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
19. FAC 47022.3	Falsify documents or false statements to obtain certificate.			1 st Violation Plus Suspension and/or Revocation
20. FAC 47022.4	Unlawfully removing NC or product held under NC.			1 st Violation
21. FAC 47022.5	Refusing to submit for inspection or stop any vehicle for inspection.			1 st Violation Plus Suspension and/or Revocation
22. FAC 47022.6	Refusing to allow inspection of property, storage, etc.			1 st Violation Plus Suspension and/or Revocation
23. FAC 47022.7	Altering any official document issued by an Enforcing Officer.			1 st Violation Plus Suspension and/or Revocation
Section II.	Certified Farmer's Market Violations (Con't)	MINOR \$50-\$150	MODERATE \$151-\$400	SERIOUS \$401-\$1,000
1. CCR 1392.9(a)1	Failure to ensure the sellers are represented by the proper person selling.	2 Market NC's in 12 months.	Repeat NC within 12 months.	Repeat NC within 12 months of Minor penalty.
2. CCR 1392.9(a)2	Failure to ensure the sellers are selling only certified and non-certifiable products in the area designated as the CFM.	2 Market NC's in 12 months.	Repeat NC within 12 months.	Repeat NC within 12 months of Minor penalty.
3. CCR 1392.9(a)3	Failure to ensure the certified producers possess a valid certified producer's certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
4. CCR 1392.9(a)3	Failure to ensure the certified producers post a valid certified producer's certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.
5. CCR 1392.9(a)4	Failure to ensure the certified producers lists their certified products on their certificate.	2 Market NC's in 12 months.	Repeat NC within 12 months of Minor penalty.	Repeat NC within 12 months of Moderate penalty.

6. CCR 1392.9(a)5 1392.9(a)5 1392.9(a)6 7. CCR 1392.9(a)6 7. CCR 1392.9(a)6 8. CCR 1392.9(b) Failure to ensure the producer's products being sold for other producer(s) anames are cross referenced. 8. CCR 1392.9(b) Failure to celested and identified and all certified producer's names are cross referenced. 9. CCR 1392.9(b) Failure to celest all of the load lists required on any single market day. Failure to keep load lists for 18 months. Did not collect at least 20% of the load lists on any single day. 9. CCR 1392.4(f) Failure to retified producer without providing for it in the market rules. 10. CCR 1392.6(g) with current market rules. 11. CCR 1392.6(d), (e), (f) 12. FAC 47005 Refusing to allow inspection or entrance. Pailure to resure the producer's and the market rules. 13. FAC False, deceptive, misleading signs, statements, or documents. 14. FAC False, deceptive, misleading signs, statements, or documents. 15. FAC Unlawfully removing NC or products held under NC. 16. FAC 47022.4 18. FAC Aftering any official document issued by enforcing officer.			T			
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